



Monroe County Human Resources
1100 Simonton Street #268
Key West, FL 33040



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OFFICE of the COUNTY ADMINISTRATOR
Key West, Florida

MONROE COUNTY ADMINISTRATION INSTRUCTION 4703.7

Date: December 15, 2008
Subject: Drug-Free Workplace Policy
Reference: (A) Drug-Free Workplace Act - 1988
Enclosure: (1) Drug Free Workplace Summary
(2) Employee Acknowledgement
Effective Date: Upon Receipt

(1) Background:

Reference (A) requires most federal government contractors, as well as recipients of federal grants, to take specific steps to ensure a drug-free workplace for all employees. Provision requires employers to prepare and distribute an anti-drug policy.

(2) Purpose:

The purpose of this instruction is to establish a program designed to create and maintain a drug-free workplace for Monroe County employees.

(3) Cancellation:

This instruction is to remain in effect until specifically revised or canceled.

(4) Instruction/Action:

A. Enclosure (1) is signed by all new hires and made part of their personnel file.

Debbie Frederick
Deputy County Administrator

Distribution: List III
Originator: DHR
Review: 12/15/11

SUMMARY OF DRUG-FREE WORKPLACE POLICY

EMPLOYEES OF MONROE COUNTY ARE HEREBY NOTIFIED THAT IT IS A CONDITION OF EMPLOYMENT FOR EACH EMPLOYEE TO REFRAIN FROM REPORTING TO WORK OR WORKING WITH THE PRESENCE OF DRUGS OR ALCOHOL IN HIS OR HER BODY. IF AN INJURED EMPLOYEE REFUSES TO SUBMIT TO A TEST FOR DRUGS OR ALCOHOL, PURSUANT TO STATE LAW THE EMPLOYEE MAY FORFEIT ELIGIBILITY FOR MEDICAL AND INDEMNITY BENEFITS.

I. WHAT IS THE DRUG-FREE WORKPLACE PLACE POLICY?

- A. In accordance with Florida's Drug Free Workplace law, Section 440.101 et seq. (1993), Monroe County ("the County") prohibits the illegal use, possession, sale, manufacture, or distribution, of drugs, alcohol, or other controlled substances on its property. For purposes of this policy alcohol is considered to be a drug.
- B. It is also against County policy for employees to report to work or to work under the influence of drugs or alcohol. This includes prescription drugs which induce an unsafe mental or physical state. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions should advise his or her supervisor before commencing work under such medication.
- C. For the purpose of this policy, an individual is presumed to be under the influence of drugs or alcohol if a confirmed drug or alcohol test is positive.
- D. The use, sale, purchase, possession, distribution, or dispensing of drugs or alcohol on duty or on County property is cause for immediate discharge.
- E. The County may suspend employees without pay under this policy pending the results of a drug test or investigation.
- F. This County has contracted with a Medical Review Officer (MRO) who is a licensed physician with knowledge of substance abuse disorders, laboratory testing procedures, chain of custody collection procedures, the medical use of

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prescription drugs and the pharmacology and toxicology of illicit drugs. The purpose of the MRO is to ensure to the maximum extent possible that all test results are accurate. Applicants or employees can discuss any technical questions regarding testing with the MRO prior to or after the test.

II. WHO IS TESTED BY THE COUNTY?

The County tests all employees as described below:

A. Employees:

1. Reasonable-suspicion Testing: Employees will be tested when there is a reasonable suspicion that an employee is using or has used drugs or alcohol.
2. Post On-the-Job Accident or Injury Testing: Employees who sustain an on-the-job injury, or who have caused, contributed to or have been involved in an accident while at work will be tested at the time medical treatment is administered, or as soon as possible.
3. Routine Fitness-for-Duty Testing: Employees will be drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.
4. Additional Testing: Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the County.

III. WHAT IF AN EMPLOYEE REFUSES TO BE TESTED?

- A. Any employee who refuses to submit to a drug test will be terminated from employment. An injured employee who refuses to submit to a drug or alcohol test, or has a positive confirmation test, in addition to the above, forfeits his or her eligibility for all workers' compensation medical and indemnity benefits.

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IV. WHAT IF SOMEONE TESTS POSITIVE?

- A. Tests will be conducted only by laboratories licensed and approved by the proper state and/or federal agencies. Test specimens will be collected, tested, and stored pursuant to the requirements of Florida law. No physician-patient relationship is created between an employee and the County or any person performing or evaluating a drug test.
- B. Laboratories can now report if a specimen has been tampered with. They can identify the substance used to alter the specimen and can report such substance, in addition to reporting a positive or negative result. An adulterated or tampered with specimen is considered a refusal to test.
- C. The County's Medical Review Officer (MRO) will initially receive and verify that test results were properly analyzed and handled by the laboratory testing. The MRO will then contact the employee to give the person an opportunity to explain or challenge a positive test result to determine whether prescription or other legitimately taken drugs could have caused the positive test result. If the MRO decides that the applicant or employee's explanation is unsatisfactory, the MRO will report a positive test to the County. The County will notify the employee of confirmed positive test results within five (5) working days after receipt of the result from the MRO.
- D. A employee who receives a positive confirmed drug test result may contest or explain the result to the MRO or the County within five (5) days after written notification of the positive test result. If the explanation or challenge is unsatisfactory, a written explanation will be given to the applicant or employee. If the applicant's or employee's challenge is unsatisfactory to the MRO or the County, the applicant or employee has the right to contest the test results pursuant to rules adopted by the Florida Division of Workers' Compensation.
- E. The testing laboratory will preserve specimens of confirmed positive test results for at least 210 days after the result was mailed to the MRO. A employee has the responsibility of notifying the drug testing laboratory of any administrative or civil action brought pursuant to Chapter 440, Florida Statutes. If timely notified, the testing laboratory will maintain the sample until the case or administrative appeal is settled.
- F. Any applicant or employee who elects to have a portion of his or her specimen retested at another licensed testing laboratory (at his or her expense) must notify the testing laboratory and make a request to the County within 180 days after written notification of a positive test result.

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- G. A list of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs are on file with the County. This information will be provided to any person upon request.

V. WHAT IF AN EMPLOYEE HAS QUESTIONS ABOUT LEGITIMATE PRESCRIPTION DRUG OR OTHER TECHNICAL INFORMATION ABOUT THE TESTS?

- A. Employees have the right to confidentially consult the Medical Review Officer (MRO) for technical information regarding prescription and non-prescription medication and may contest or explain the test result to the MRO both before and after being tested.
- B. Prior to testing, the employee will be given a list of the most common medications by brand name or common name and chemical name which may alter or affect a drug test. This information is on the Drug Testing/Chain-of-Custody/HRS Form 1806.
- C. A Drug Use Information form, which is a confidential report, may be filled out by employees before or after being drug tested. This form permits individuals to provide to the MRO a list of all prescription and non-prescription drugs they are currently using or have used in the last month, as well as any other information they consider relevant to the test.
- D. All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the County as part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the County will not release such information without a written consent form signed voluntarily by the person tested. The County or its legal counsel may disclose such information in the event that a challenge or other form of civil, disciplinary or administrative litigation is commenced by a employee.

VI. WHAT TYPE OF DRUGS ARE TESTED?

The following is a list of all drugs (described by brand name, common name and/or chemical name) for which the County may test. Also listed and identified are those most common medications which may alter or affect a drug test:

Alcohol (booze, drink, distilled spirits, wine, malt beverages, beer, intoxicating liquors, alcoholic beverages, etc.)

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Amphetamines (Binhetamine, Desoxyn, Dexedrine)

Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)

Cocaine (coke, blow, nose candy, snow, flake, crack)

Phencyclidine (PCP, angel dust, hog)

Methaqualone

Opiates (opium, dover's powder, paregoric, parepectolin)

Barbiturates (Phenobarbital Tuinal, Amytal)

Benzodiazophines (Ativan, Azene, Klonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)

Methadone (Dolophine, Methadose)

Propoxyphene (Darvocet, Darvon N, Dolene)

Metabolites of any substances listed above.

VII. WHAT ELSE SHOULD I KNOW ABOUT THE POLICY?

- A. Details of this policy may be obtained from the Human Resources Department.
- B. **The contents of this policy constitute statements of the County's current policy and may be changed and updated by the County at any time. Nothing in this policy is intended to create a contract between the County and any employee. Nothing in these guidelines binds the County to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.**
- C. **As a condition of employment and continued employment, all employees are required to abide by this policy.**

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**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT
OF SUMMARY OF DRUG-FREE WORKPLACE POLICY**

I, _____, hereby acknowledge that I received a
(Employee's Name)

copy of the Monroe County Summary of Drug-Free Workplace Policy, consisting of this page and the five (5) preceding typewritten pages on the date indicated below. I understand that on the effective date of the policy, it will be a condition of my employment to refrain from reporting to work or working with the presence of drugs or alcohol in my body.

(Employee's Signature)

DATE: _____